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Attorney's Docket No.: 05542-556001 / 008698/CMP

## REMARKS

### I. Introduction

Applicant and Applicant's representative would like to thank Examiner MacArthur for the indication of allowable subject matter recited in claims 13-15 and 19-20.

In response to the Office Action dated March 15, 2006, Applicant has amended claims 1, 22 and 28 so as to further clarify the claimed subject matter. Support for these amendments can be found, for example, in Figs. 1-3, and their corresponding section(s) of the specification. No new matter has been added.

For the reasons set forth below, Applicant respectfully submits that all pending claims are patentable over the cited prior art references.

### II. The Rejection Of Claims 1-12, 16-18 and 21-28 Under 35 U.S.C. § 102

Claims 1-12, 16-18 and 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by USP No. 6,722,965 to Zuniga. Applicant respectfully traverses this rejection for at least the following reasons.

#### Claim 1

Claim 1 recites in part a base, and a flexible membrane having a central portion with an outer surface providing a substrate receiving surface and at least one flap extending from an inner surface of the central portion where the flap includes a laterally extending first section and an angled second section extending beneath the first section.

In the statement of rejection, the Examiner points to the flap 174 of Zuniga. However, the alleged angled portion of the flap 174 extends away from the alleged horizontal portion, rather than beneath the alleged horizontal portion as claimed.

Accordingly, for at least these reasons, Applicant respectfully submits that Zuniga does not anticipate claim 1.

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Furthermore, amended claim 1 recites that an upper surface of a laterally extending first section and a lower surface of an angled second section bound a same chamber of the plurality of chambers.

In contrast, the laterally extending section (the section connecting 178 and 176) and the perimeter portion 172 of Zuniga bound different chambers 134 and 136, respectively. Accordingly, for at least this reason, Applicant respectfully submits that Zuniga does not anticipate claim 1.

#### Claim 22

Claim 22 recites in-part a flexible membrane extending beneath the base to provide a substrate receiving surface and to define a plurality of chambers.

However, as discussed *supra*, the outer membrane 124 of Zuniga provides the substrate-mounting surface, while the inner membrane 122 (a separate membrane) defines the chambers 130/132. Accordingly, Applicant respectfully submits that Zuniga does not anticipate claim 22, because Zuniga does not disclose a same flexible membrane that provides a substrate receiving surface while defining a plurality of chambers.

Furthermore, claim 22 recites that the flexible membrane is configured to undergo vertical deflection to react out force components caused by pressure differential between chambers to provide a substantially uniform transition between different pressures in adjacent regions.

However, Zuniga is completely silent with respect to any force component, let alone disclose a mechanism for reacting out such a force component generated by pressure differential between the chambers. Accordingly, Applicant respectfully submits that Zuniga does not anticipate claim 22.

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### Claim 28

Claim 28 recites in-part a flexible membrane including a central portion with an outer surface providing a substrate receiving surface, and at least one flap extending from an inner surface of the central portion.

However, as discussed *supra*, the outer membrane 124 of Zuniga, which provides a substrate-mounting surface, and the inner membrane 12, which provides a central portion from which the flaps 174/176/178 are extended, are two separate and distinct membranes. Accordingly, Zuniga does not disclose a flap extending from an inner surface of a central portion of the same flexible membrane whose outer surface provides the substrate receiving surface.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Zuniga fails to disclose or suggest the foregoing claim elements, it is clear that Zuniga does not anticipate claim 1, 22 or 28.

Furthermore, with respect to claims 3, this claim recites a laterally extending first section and an angled second section, wherein the angled second section has a horizontal loading area sized so as to react out a portion of the downward force on the first section that is created by a pressure in a chamber between the flexible membrane and the base but is not reacted out by the base.

In rejecting this claim, the Examiner has directed the Applicant to the paragraph joining col. 6 and col. 7 of Zuniga (see, page 4, lines 12-15 of Office Action). However, at the cited section(s), Zuniga only describes applying a downward load to an upper surface of the outer membrane 124, transferring the load through the outer membrane 124 to the substrate in the loading area and pumping fluids to control the downward pressure of the inner membrane against the outer membrane.

Evidently, Zuniga does not describe a horizontal loading area sized so as to react out a portion of a downward force created by a pressure in a chamber between the flexible membrane and the housing but is not reacted out by the housing.

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If the pending rejection is maintained, Applicant respectfully requests that the next Office Action expressly address which element of Zuniga is being read upon as the claimed horizontal loading area sized in a manner that reacts out a portion of a downward force created by a pressure in a chamber between the flexible membrane and the housing but not reacted out by the base so as to provide the Applicant an opportunity to further address the Examiner's concern.

Similarly, with respect to claims 5, 25 and 27, while the Examiner has identified Figs. 2, 3 and 5 as disclosing the claimed features recited in these claims, the Examiner has not identified precisely which elements or functions (neither by reference numerals nor by written explanation) of Zuniga are being read on the respective claimed elements. If the pending rejection is maintained, Applicant respectfully requests that the next Office Action kindly reiterates where Zuniga discloses these claimed elements so as to afford the Applicant an opportunity to rebut and/or address the specific elements identified as reading on these claims.

### **III. The Rejection Of Claims 1-11, 17-18 and 21-22 Under 35 U.S.C. § 102**

Claims 1-11, 17-18 and 21-22 are rejected under 35 U.S.C. 102(a) as being anticipated by US Pub No. 2004/0175951 to Chen. Applicant respectfully traverses this rejection for at least the following reasons.

#### **Claim 1**

Claim 1 recites in part a base, a flexible membrane including a central portion and at least one flap extending from an inner surface of the central portion and dividing a volume between the flexible membrane and the base into a plurality of chambers. Claim 1 also recites that the flap includes a laterally extending first section and an angled second section extending beneath the first section.

However, Chen expressly describes a flexible membrane having a circular central portion 130, and an edge portion 132 that is secured to the housing 102 so that the volume between the flexible membrane 118 and the housing 102 forms the chamber 108 (see, [0030]). That is, at best, Chen discloses only a single chamber, and does not disclose either a flap extending from an

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inner surface of the alleged central portion, or a **plurality** of chambers, as required by claim 1. Further, Zuniga discloses only that the alleged angled portion of the flap 174 extends away from the alleged horizontal portion, and does not disclose that the flap 174 extends beneath the alleged horizontal portion, as claimed.

#### **Claim 22**

With respect to claim 22, this claim also recites a flexible membrane extending beneath a base to define a **plurality of chambers**. As discussed with respect to claim 1, Chen discloses only a single chamber, and does not disclose a plurality of chambers. Thus, for analogous reasons discussed in claim 1, Applicant respectfully submits that Chen does not anticipate claim 22.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Chen fails to disclose or suggest the foregoing claim elements, it is clear that Chen does not anticipate claim 1 or 22.

Furthermore, with respect to claims 3 and 5, it does not appear that the Examiner has identified how Chen reads on the claimed features recited therein. If the pending rejection is maintained, Applicant respectfully requests that the next Office Action provide further details as to how Chen is read upon as disclosing these claimed features so as to provide the Applicant an opportunity to address the Examiner's concern.

#### **IV. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable**

Under Federal Circuit guidelines, a dependent claim is neither anticipated nor rendered obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplicatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as

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independent claims 1, 22 and 28 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

V. Conclusion

By responding in the foregoing remarks only to particular positions taken by the Examiner, the Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

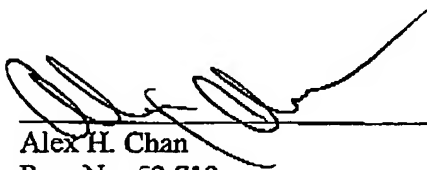
For all of the reasons set forth above, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: May 25, 2006

  
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Alex H. Chan  
Reg. No. 52,713

Customer No. 26185  
Fish & Richardson P.C.  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

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